

CLOSED,ECF,FILE

**U.S. District Court  
District of New Hampshire (Concord)  
CIVIL DOCKET FOR CASE #: 1:04-cv-00439-JD**

Caton v. US Department of Interior, Secretary  
Assigned to: Judge Joseph A. DiClerico, Jr  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/23/2004  
Date Terminated: 11/21/2005  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Harold W. Caton**

represented by **Harold W. Caton**  
403 Dover Point Road  
Dover, NH 03820  
603 988-9056  
PRO SE

V.

**Defendant**

**US Department of Interior, Secretary**  
*other*  
Gale Norton

represented by **T. David Plourde**  
US Attorney's Office (NH)  
James C. Cleveland Federal Building  
53 Pleasant St, 4th Flr  
Concord, NH 03301-0001  
603 225-1552  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/23/2004	<u>1</u>	COMPLAINT against US Department of Interior, Secretary with Jury Demand ( Filing fee \$ 150 receipt number 026390) filed by Harold W. Caton. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H (Attachments 7-18), # <u>9</u> Exhibit H (Attachments 22-28), # <u>10</u> Exhibit H (Attachments 30-37), # <u>11</u> Exhibit H (Attachments 38-53), # <u>12</u> Exhibit H (Attachments 59-75), # <u>13</u> Exhibit J (Attachments 1-19), # <u>14</u> Exhibit J (Attachments 20-35), # <u>15</u> Exhibit J (Attachments 40-54), # <u>16</u> Exhibit J (Attachments 55-71))(jeb,. (Entered: 11/30/2004)
11/26/2004		Summons Issued as to US Department of Interior, Secretary.(jeb, ) (Entered: 11/30/2004)
11/26/2004		NOTICE sent. This is not an Electronic Case. The case will be maintained in paper format. (jeb, ) (Entered: 11/30/2004)
12/16/2004	2	Return of Service Executed by Harold W. Caton. Served/mailed on 12/21/2004. Answer due by 2/22/2005.(amm, ) (Entered: 12/17/2004)
01/03/2005	3	MOTION to Extend Time to Answer to 1/24/05 filed by US Department of Interior, Secretary.Served on 1/3/05. Follow up on Objection on 1/24/2005 (amm, ) (Entered: 01/04/2005)
01/10/2005	4	OBJECTION to 3 MOTION to Extend Time to Answer to 1/24/05, served on 1/6/05, filed by Harold W. Caton. (amm, ) (Entered: 01/12/2005)
01/13/2005		<b>ENDORSED ORDER granting 3 Motion to Extend Time to Answer re <u>1</u> Complaint. Text of Order: Granted. Signed by Judge James R. Muirhead.</b>

		<b>Answer due by 1/24/2005.(djb, ) (Entered: 01/13/2005)</b>
01/13/2005		Attorney T. David Plourde for US Department of Interior, Secretary added. (amm, ) (Entered: 01/13/2005)
01/24/2005	5	2ND MOTION to Extend Time to Answer to 2/4/05 filed by US Department of Interior, Secretary.Served on 1/24/05. Follow up on Objection on 2/14/2005 (amm, ) (Entered: 01/25/2005)
02/04/2005	6	MOTION to Dismiss filed by US Department of Interior, Secretary, with memorandum, and declaration.Served on 2/4/05. Follow up on Objection on 2/24/2005 (amm, ) (Entered: 02/07/2005)
02/11/2005		<b>ENDORSED ORDER granting 5 Motion to Extend Time to Answer re <u>1</u> Complaint Text of Order: Granted. Signed by Judge James R. Muirhead. Answer due by 2/4/2005.(djb, ) (Entered: 02/11/2005)</b>
02/14/2005	7	OBJECTION to 6 MOTION to Dismiss, served on 2/14/05, filed by Harold W. Caton. Follow up on Objection on 2/17/2005 (amm, ) (Entered: 02/14/2005)
02/15/2005	<u>8</u>	<b>ORDER on Nonconforming Document re: 7 Objection to Motion filed by Harold W. Caton,. Fails to comply with LR7.1(a)(1)Document treated as an objection to the motion to dismiss. Separate motions to be filed.. Cure Document by 2/25/2005. Signed by Judge Joseph A. DiClerico Jr. (amm, ) (Entered: 02/15/2005)</b>
02/16/2005		Govt's Oral Notice of Intent to Reply to Objection to 6 MOTION to Dismiss. Follow up on Reply on 2/24/2005.(amm, ) Modified on 2/17/2005 (amm, ). (Entered: 02/17/2005)
02/22/2005	9	MOTION to Strike Declaration of Ms. Lee A. Hammond dated 2/3/05 6 Motion to Dismiss filed by Harold W. Caton, with memorandum and attachments.Served on 2/22/05. Follow up on Objection on 3/14/2005 (amm, ) (Entered: 02/22/2005)
02/22/2005	10	MOTION for Leave to File amended complaint filed by Harold W. Caton.Served on 2/22/05. Follow up on Objection on 3/14/2005 (amm, ) (Entered: 02/22/2005)
03/01/2005	11	REPLY to Objection to Motion re 6 MOTION to Dismiss filed by US Department of Interior, Secretary. (amm, ) (Entered: 03/02/2005)
03/08/2005	12	OBJECTION to 9 MOTION to Strike Declaration of Lee Hammond 6 Motion to Dismiss, served on 3/8/05, . (amm, ) (Entered: 03/10/2005)
03/08/2005	13	OBJECTION to 10 MOTION for Leave to File amended complaint, served on 3/8/05, . (amm, ) (Entered: 03/10/2005)
03/11/2005	14	MOTION for Leave to File Surreply to motion to dismiss filed by Harold W. Caton, with attachments.Served on 3/11/05. Follow up on Objection on 3/31/2005 (amm, ) (Entered: 03/11/2005)
03/14/2005	15	OBJECTION to 14 MOTION for Leave to File Surreply to motion to dismiss, served on 3/14/05 . (amm, ) (Entered: 03/14/2005)
03/18/2005	16	MOTION for Leave to File Reply to Deft's Obj to Pltf's Motion to Strike Declaration of Lee Hammond filed by Harold W. Caton.Served on 3/18/05. Follow up on Objection on 4/7/2005 (dae, ) (Entered: 03/18/2005)
03/18/2005	17	MOTION for Leave to File Reply to Deft's Obj to Pltf's Motion to Amend Complaint filed by Harold W. Caton.Served on 3/18/05. Follow up on Objection on 4/7/2005 (dae, ) (Entered: 03/18/2005)
03/21/2005	18	OBJECTION to 17 MOTION for Leave to File Reply to Deft's Obj to Pltf's Motion to Amend Complaint, served on 3/21/05, . (amm, ) (Entered: 03/21/2005)
03/21/2005	19	OBJECTION to 16 MOTION for Leave to File Reply to Deft's Obj to Pltf's Motion to Strike Declaration of Lee Hammond, served on 3/21/05, . (amm, ) (Entered: 03/21/2005)
05/02/2005	<u>20</u>	<b>ORDER denying 6 Motion to Dismiss, denying as moot 9 Motion to Strike Declaration of Ms. Lee A. Hammond, denying 10 Motion for Leave to File</b>

		<b>amended complaint, granting 14 Motion for Leave to File Surreply to motion to dismiss, granting 16 Motion for Leave to File Reply to Deft's Obj to Pltf's Motion to Strike Declaration of Lee Hammond, granting 17 Motion for Leave to File Reply to Deft's Obj to Pltf's Motion to Amend Complaint. Signed by Judge Joseph A. DiClerico Jr.(ga, ) (Entered: 05/02/2005)</b>
05/02/2005	21	REPLY to Objection to Motion re 9 MOTION to Strike 6 Motion to Dismiss filed by Harold W. Caton. (amm, ) (Entered: 05/05/2005)
05/02/2005	22	REPLY to Objection to Motion re 10 MOTION for Leave to File amended complaint filed by Harold W. Caton. (amm, ) (Entered: 05/05/2005)
05/02/2005	23	REPLY MEMORANDUM to Defendants' response to plaintiff's Objection to Motion re 6 MOTION to Dismiss filed by Harold W. Caton. (amm, ) (Entered: 05/05/2005)
05/18/2005	24	MOTION to correct the record filed by US Department of Interior, Secretary, with declarations, and attachments.Served on 5/18/05. Follow up on Objection on 6/7/2005 (amm, ) (Entered: 05/18/2005)
05/27/2005	25	OBJECTION to 24 MOTION for Leave to File motion to correct the record, served on 5/26/05, filed by Harold W. Caton. (amm, ) (Entered: 05/27/2005)
06/02/2005	26	MOTION for Leave to File reply to motion to correct the record filed by US Department of Interior, Secretary.Served on 6/2/05. Follow up on Objection on 6/22/2005 (amm, ) (Entered: 06/02/2005)
06/09/2005	27	REPLY to Objection to Motion re 24 MOTION for Leave to File motion to correct the record filed by US Department of Interior, Secretary. (amm, ) (Entered: 06/10/2005)
06/17/2005	28	MOTION for Leave to File surreply and supporting memorandum to correct statements asserted in deft's reply to plaintiff's objection to correct record filed by Harold W. Caton.Served on 6/15/05. Follow up on Objection on 7/7/2005 (amm, ) (Entered: 06/22/2005)
06/20/2005	30	Assented to MOTION for Extension of Discovery for an additional 30 days filed by Harold W. Caton. (amm, ) (Entered: 06/23/2005)
06/21/2005	29	MOTION to Compel defendant to answer interrogatories and document request filed by Harold W. Caton, with attachments.Served on 6/20/05. Follow up on Objection on 7/11/2005 (amm, ) (Entered: 06/23/2005)
06/24/2005		<b>ENDORSED ORDER granting 30 Motion For Extension of Discovery. Text of Order: Granted. So Ordered by Judge James R. Muirhead. (djb, ) (Entered: 06/24/2005)</b>
07/08/2005	31	MOTION for Protective Order filed by US Department of Interior, Secretary, with attachments.Served on 7/8/05. Follow up on Objection on 7/28/2005 (amm, ) (Entered: 07/11/2005)
07/08/2005	32	OBJECTION to 29 MOTION to Compel defendant to answer interrogatories and document request with memorandum, served on 7/8/05, filed by US Department of Interior, Secretary. (amm, ) (Entered: 07/11/2005)
07/11/2005	<u>33</u>	<b>ORDER on Nonconforming Document re: 31 Motion for Protective Order filed by US Department of Interior, Secretary,. Fails to comply with LR7.1(c) no statement of concurrence. Cure Document by 7/21/2005. Signed by Judge Joseph A. DiClerico Jr. (amm, ) (Entered: 07/12/2005)</b>
07/13/2005	34	Nonconforming Document(DEFENDANT'S MOTION FOR PROTECTIVE ORDER) <u>33</u> Order on Nonconforming Document, cured with statement of concurrence included by US Department of Interior, Secretary. Follow up on Objection on 8/2/2005 (amm, ) (Entered: 07/19/2005)
07/18/2005	35	SUR-REPLY to Defts' Objection to Motion re 29 MOTION to Compel defendant to answer interrogatories and document request filed by Harold W. Caton. (amm, ) (Entered: 07/19/2005)

07/21/2005	36	2ND MOTION to Dismiss filed by US Department of Interior, Secretary, with memorandum and attachments.Served on 7/21/05. Follow up on Objection on 8/10/2005 (amm, ) (Entered: 07/21/2005)
07/25/2005	37	OBJECTION to 31 MOTION for Protective Order, served on 7/24/05, filed by Harold W. Caton. (amm, ) (Entered: 07/27/2005)
07/26/2005		<b>ENDORSED ORDER granting 26 Motion for Leave to File A Reply. Text of Order: Granted. So Ordered by Judge James R. Muirhead. (djb, ) (Entered: 07/26/2005)</b>
07/26/2005		<b>ENDORSED ORDER granting 28 Motion for Leave to File Surreply. Text of Order: Granted. So Ordered by Judge James R. Muirhead. (djb, ) (Entered: 07/26/2005)</b>
07/26/2005		<b>ENDORSED ORDER mootng 24 Motion for Leave to File. Text of Order: Ms. Hammond's declaration of her prior error and of her current explanation is noted, otherwise moot. So Ordered by Judge James R. Muirhead. (djb, ) (Entered: 07/26/2005)</b>
07/29/2005	<u>38</u>	<b>ORDER,denying 29 Motion to Compel, granted 34 Cure on Nonconforming Document, 31 Motion for Protective Order. Signed by Judge James R. Muirhead. (amm, ) (Entered: 08/01/2005)</b>
07/29/2005	<u>39</u>	<b>ORDER denying 29 Motion to Compel, granting 31 Motion for Protective Order. So Ordered by Judge James R. Muirhead. (amm, ) Modified on 8/2/2005 to term motions, same as doc. #38 (amm, ). (Entered: 08/02/2005)</b>
08/05/2005	40	OBJECTION to 36 MOTION to Dismiss with memorandum, served on 8/5/05, filed by Harold W. Caton. (amm, ) (Entered: 08/12/2005)
09/29/2005	<u>41</u>	NOTICE. Effective October 1, 2005, electronic case filing is mandatory in this district. Thus, this case is designated for Electronic Case Filing. All future submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing for this district. Please note that pro se litigants, as well as any attorneys who have not yet registered for ECF, must continue to be served in paper. (Lynch, Daniel) (Entered: 09/29/2005)
11/21/2005	<u>42</u>	<b>ORDER granting 36 2ND Motion to Dismiss. CLerk shall enter judgment and close the case. So Ordered by Judge Joseph A. DiClerico Jr. (ga, ) (Entered: 11/21/2005)</b>
11/21/2005	<u>43</u>	<b>JUDGMENT is hereby entered in accordance with <u>42</u> Order on Motion to Dismiss. Signed by Clerk James R. Starr. (Case Closed) (amm, ) (Entered: 11/21/2005)</b>
12/27/2005	<u>44</u>	MOTION for Bill of Costs filed by Harold W. Caton.Served on 12/24/05. Follow up on Objection on 1/17/2006 (amm, ) (Entered: 01/04/2006)
12/27/2005	<u>45</u>	BILL OF COSTS by Harold W. Caton. Follow up on Bill of Costs on 1/17/2006. (Attachments:, # <u>1</u> Exhibit 1 (Receipts), # <u>2</u> Exhibit 2 (Memos), # <u>3</u> Exhibit 3 (memo))(amm, ) (Entered: 01/04/2006)
01/13/2006	<u>46</u>	RESPONSE to Motion re <u>44</u> MOTION for Bill of Costs filed by US Department of Interior, Secretary. (Plourde, T.) (Entered: 01/13/2006)
01/20/2006		<b>ENDORSED ORDER Granting in part, denying in part <u>45</u> Bill of Costs. Text of Order: Granted as to the \$866.00 in costs, Denied as to the request of \$123,637.50 valuation of plaintiff's time. See Aronson v. United States Department of Housing and Urban Renewal, 866F2d 1, 5-6 (1st Cir 1989) Signed by Judge James R. Muirhead. (amm, ) (Entered: 01/20/2006)</b>
04/20/2007		File located at National Archives and Records Administration (NARA), Waltham, MA. Transfer No. 021-07-0024, Location No. A105138, Box No. 16(cmp, ) (Entered: 04/20/2007)